



National Institutes of Health
Office of Management

NIH Anti-Harassment Program

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NIH Civil Program's Mission Statement

The Civil Program's mission is to foster civility throughout the NIH community. Contact the Civil Program if you become aware of a workplace situation involving uncivil behavior, such as harassment, sexual harassment, inappropriate conduct, intimidation, bullying, or other unproductive, disruptive, and/or violent behaviors.



OVERSIGHT

- NIH Anti-Harassment Steering Committee chaired by Dr. Tabak
- Oversee process improvements and program design



PROGRAM

- Civil Program expanded to address all allegations of harassment and related inappropriate conduct and to oversee the administrative inquiry process



POLICIES

- Preventing and Addressing Harassment and Inappropriate Conduct Manual Chapter (1311)
- Personal Relationships in the Workplace Policy Statement



TOOLS

- New webform and hotline: Enhanced allegation reporting systems for both anonymous and non-anonymous reports
- Web presence spanning all partner sites
- Training & Education



What is Harassment?

Harassment is unwelcome, deliberate, or repeated unsolicited verbal or physical conduct that is **based upon protected class status (race, color, religion, sex [includes gender identity, transgender status, and sexual orientation], national origin, age, and disability)**. Harassment includes, but is not limited to, comments, gestures, graphic materials, physical contact, or solicitation of favors when:

- Submission to or rejection of the conduct by the individual could **be used as the basis for employment decisions**, OR
- The conduct is **severe or pervasive** enough that it substantially interferes with an individual's work performance or creates a work environment that is intimidating, hostile, or abusive.

Equal Employment Opportunity Commission
(<https://www.eeoc.gov/laws/types/harassment.cfm>)
Title VII of the Civil Rights Act of 1964
(<https://www.eeoc.gov/laws/statutes/titlevii.cfm>)
The Age Discrimination in Employment Act of 1967
(<https://www.eeoc.gov/laws/statutes/adea.cfm>)
The Americans with Disabilities Act of 1990
(<https://www.eeoc.gov/laws/statutes/ada.cfm>)



What is Sexual Harassment?

Sexual harassment is **a form of harassment** that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment of Women:
Climate, Culture, and Consequences
in Academic Sciences, Engineering,
and Medicine
(<https://www.nap.edu/read/24994>)



What is Inappropriate Conduct?

Inappropriate conduct is much **broader** than the legal definition of harassment and **does not have to be based on a protected class status**. It may include similar behaviors, such as comments or conduct that could reasonably be perceived as disruptive, disrespectful, or offensive in the workplace.

Addressing inappropriate conduct is critical, as harassment often takes place against a backdrop of incivility, or in other words, in an environment of generalized disrespect.

NIH Civil Program

RECOGNIZE, REPORT, and RESOLVE.

**Inappropriate
Behavior
including
Bullying**

**Behavioral
Issues**

**Domestic
Violence**

Suicidal Threat

Threats

**Physical
Violence**

Harassment

NEW



NIH Civil Program

Civil Response
Team **Partners**

- **IC and/or NIH Management**
- Employee & Labor Relations
- Office of the Ombudsman
- Employee Assistance Program
- Office of Equity, Diversity & Inclusion (EDI)
- IC Training Directors and OITE
- Contract Companies
- Police & Emergency Management

Together, we can:

Provide a safe, respectful work environment for the entire NIH community

Attract and retain a highly skilled workforce

- Managers are required to report allegations **meeting the definition of harassment or sexual harassment** to the Civil Program as soon as possible
- Although bullying or similar forms of uncivil behavior do not meet the legal definition of harassment, they are **ALL** forms of **inappropriate conduct** and management is responsible for stopping and addressing the behavior
- The focus seems to be on the definitions, but if the behavior is concerning enough, a manager could be liable for if/how they addressed it regardless of the exact definition
- The spirit of the policy is to report harassment and inappropriate conduct and to consult with the Civil Program

NIH and OHR have created **MULTIPLE** avenues for reporting:

- Directly to the Civil Program Office
- *New Hotline**
- *New web intake form**

If you are not sure or not ready to report, you may contact that Office of the Ombudsman or the Employee Assistance Program to discuss your options confidentially

****Both the Hotline and Web Intake Form offer the option to remain anonymous***

- Civil will review evidence to determine if an Administrative Inquiry is necessary
- If an inquiry is conducted and misconduct is found:
 - Corrective action may be necessary (including discipline)
 - Varies based on the facts of the case and the seriousness of the offense
- Due to privacy reasons, the Office of Human Resources cannot share what the actions are
- **ALL** allegations will be taken **SERIOUSLY** and will be addressed appropriately
- Beginning in 2019, Civil will provide data regularly on the aggregate number of allegations received and the outcomes



Definition of an Inappropriate Personal Relationship

Relationships between persons in inherently unequal positions where one party has real or perceived authority, influence, or power over the other's conditions of employment or has the ability to directly impact the other's career progression, which includes formal and informal supervisory relationships¹.

¹ Authority within professional relationships may result from actual supervision or mentoring, reviewing, advising, evaluating, teaching, or personal relationships with external partners where a real or perceived power imbalance exists.

Personal Relationships in the Workplace

A personal relationship in the workplace where **one party has the ability to affect the other party's career** must **DISCLOSE** this information to their designated IC official.

Disclosing is necessary to:

- Take steps to **REMEDIATE** conflicts of interest and bias
- **REDUCE** the risk to both parties
- **PREVENT** the relationship from affecting the workplace




NCI Designated Official: Donna Siegle, Executive Officer

Upon such notification the Designated Official must ensure that the Institute/Center manages, decreases, or eliminates potential risk as a result of the relationship. Appropriate action may include, but is not limited to:



Reassignment of one party to sever the supervisory relationship



Recusal of the supervisor or individual in the position of authority from all official matters affecting, or appearing to affect, the subordinate



Examples & Outcomes

A post-doctoral trainee and a post-baccalaureate trainee in the same lab have been assigned to work together and are in a romantic relationship, which they promptly disclose. As remediation, the designated IC official assists in altering the work assignments to ensure the post-doctoral trainee no longer has any informal authority or opportunity for influence over the post-baccalaureate trainee's career. The disclosure and remediation are handled entirely by the IC and names do not need to be reported to the Civil Program.

A married couple work in the same IC, but in different offices and under different supervisors. There is no potential for one to affect the other's career, so they are not required to disclose the relationship. However, they disclose their relationship to the IC designated official and identify steps they've taken in the past to prevent it from affecting the workplace in any way. Since there is no power imbalance and no further remediation is necessary, it does not have to be reported to the Civil Program.



Examples & Outcomes

A Principle Investigator (PI) of a lab establishes a relationship with a trainee in another lab. Even though there is no direct supervisory authority, the power imbalance is such that the PI could potentially affect the trainee's career progression. The PI should disclose the relationship to his/her supervisor and recuse themselves from all official matters pertaining to the trainee moving forward. While the remediation is handled entirely by the IC, the relationship must be reported to the Civil Program because a trainee is involved and on the lower half of the power imbalance.

A division director has been personal friends with a staff member in her division for many years. She is the 2nd line supervisor and occasionally socializes with the employee outside of work. She discloses the friendship to her supervisor, who reminds her to be mindful of the optics of the friendship and to ensure she is not treating the employee differently at work than other employees in the division. The first line supervisor is instructed to consult with the 3rd line supervisor on sensitive issues pertaining to the employee, such as potential conduct or performance issues, etc. The disclosure and remediation are handled entirely by the IC and no names are ever reported to the Civil Program.

Addressing Harassment and Inappropriate Conduct in NIH Funded Institutions

February 28, 2019 - The NIH Director: Update on Efforts to Address Sexual Harassment in Science

“NIH has not and will not just look the other way when accusations come to our attention. In 2018, NIH followed up on sexual harassment-related concerns at more than two dozen institutions resulting in the replacement of 14 principal investigators named on NIH grant awards, disciplinary actions taken by awardee institutions against 21 principal investigators including termination of employment, and removal of 14 individuals from peer review. Over that same time period, NIH conducted administrative inquiries into 35 allegations of a sexual nature by NIH staff (both federal employees and government contractors). While some of these incidents remain under review, formal disciplinary actions ranging from reprimand to termination of employment were taken against 10 staff members, and informal disciplinary actions, including counseling/training and cease and desist warnings, were taken against another 10 staff members.”

Addressing Harassment and Inappropriate Conduct in NIH Funded Institutions

March 6, 2019 - <https://www.pbs.org/newshour/show/how-sexual-harassment-in-the-sciences-could-deprive-the-field-of-female-talent>

“...we have decided, within the legal constrictions that we have, to basically play a larger role in identifying instances and acting upon them. And in just the last year, more than two dozen institutions have heard from us about circumstances where sexual harassment was going on, and we have insisted that they come forward and say what they're doing about it.”

- If institutions want to maintain the grant/funding from the NIH, they must conduct themselves in a professional manner
- Any administrative decisions that affect any individual's ability to do the work must be reported to NIH immediately and there are consequences for failing to do so

For more information:



Civil Program Specialists line: 301-402-4845
Anti-Harassment Hotline: 833-224-3829



civilprogram@nih.gov



<https://civilworkplace.nih.gov>

